

**MINUTES OF THE CITY COMMISSION MEETING  
MAY 12, 2003**

The City of Leesburg Commission held a regular meeting Monday, May 12, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:33 p.m. with the following members present:

Commissioner David Knowles  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Attorney (CA) Fred Morrison, Acting City Clerk (ACC) Betty Richardson, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Mayor Connelly gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
APRIL 28, 2003**

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Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held April 28, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

**PRESENTED SERVICE AWARDS**

Greg David of the Electric Department was unable to attend the meeting and receive his award for 15 years of service.

Captain Steve Rockefeller of the Police Department presented an award to Roger Bell for 10 years of service.

**PROCLAMATION OF NATIONAL SENIOR HEALTH AND FITNESS DAY**

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Mayor Connelly proclaimed May 28, 2003 as National Senior Health and Fitness Day by reading the proclamation in its entirety.

**CONSENT AGENDA:**

Pulled – B11 – Proposed LDC Steering Committee  
B13 - Building Permit Fees

Commissioner Puckett moved to adopt the consent agenda except items B11 and B13. Commissioner Lovell seconded the motion. The roll call was:

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Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the consent agenda as follows:

### PURCHASING ITEMS:

1. 03-FB-07 Front Loading Solid Waste Collection Vehicle for Public Works Dept (\$151,452.00)
2. 03-FB-39 Stainless Steel Tanker for Environmental Services Dept. (\$39,495.00)
3. Lake County Demolition Work for Community Development Dept.  
Bid #01-028

### RESOLUTIONS:

#### RESOLUTION 6781

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with H.B. Walker Inc. to provide building demolition services, and providing an effective date.

#### RESOLUTION 6782

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve Change Order #1 to the contract with D.A.B. Constructors, Inc. relating to the construction of Lakeshore Drive road improvements, and providing an effective date.

#### RESOLUTION 6783

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to amend an agreement between the City of Leesburg and Rispoli Sosa Architecture, Inc. for providing additional services related to the library re-roofing project and providing an effective date.

#### RESOLUTION 6784

A resolution of the City Commission of the City of Leesburg, Florida, setting forth the eligibility guidelines for the C.U.R.E (Citizens Utility Relief Effort) voucher program; and providing an effective date.

#### RESOLUTION 6785

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Christian Care/Benevolence Center to provide C.U.R.E. (Citizens Utility Relief Effort) vouchers to utility customers during Fiscal Year 2002-2003; and providing an effective date.

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### RESOLUTION 6786

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager to approve Change Order No. 1 to the agreement between the City of Leesburg and Wagner Construction Company, LLC for the purpose of changes to the T-Hangar construction project at the Leesburg Regional Airport; and providing an effective date.

### RESOLUTION 6787

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a consent to assignment of lease between the City of Leesburg and The Villages Equipment Company and Brainerd Helicopters, Inc.; and providing an effective date.

### RESOLUTION 6788

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for Supplemental Agreement #26, to the basic agreement between the parties pertaining to professional services related to design of improvements for future FBO site, modular line operations building and aircraft ramp space at Leesburg Regional Airport; and providing an effective date.

### RESOLUTION 6789

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for Supplemental Agreement #28 to the basic agreement between the parties pertaining to professional services related to the design of security measures at Leesburg Regional Airport; and providing an effective date.

### RESOLUTION 6790

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk of the City of Leesburg to execute a memorandum of agreement with Florida Department of Transportation related to the location of a GPS reference station at Leesburg Regional Airport; providing for an effective date.

### RESOLUTION 6791

A resolution of the City Commission of the City of Leesburg, Florida, amending the rate schedule for the provision of internet services, and providing an effective date.

### OTHER CONSENT ITEMS:

1. Request for merit increase to salary for City Manager (evaluations distributed earlier)

### **PULLED A RESOLUTION ESTABLISHING THE LAND DEVELOPMENT CODE STEERING COMMITTEE.**

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CM Stock stated staff requested this item be pulled from the agenda, as this needs to be established by ordinance. Staff requests introducing an ordinance establishing the Land Development Steering Committee under the Public Hearing section of this agenda.

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Commissioner Perry moved to amend the agenda by adding an introduction to an ordinance under the Public Hearing section establishing the Land Development Code Steering Committee. Commissioner Puckett seconded the motion and it passed unanimously.

### **ADOPTED RESOLUTION 6792 REVISING THE BUILDING PERMIT FEES WITH THE REVISIONS TO GO INTO EFFECT ON SEPTEMBER 1, 2003.**

Commissioner Lovell introduced the resolution to be read, by title only. ACC Richardson read the resolution, as follow:

A resolution of the City Commission of the City of Leesburg, Florida, adopting building permit fees; repealing the existing building permit fee schedule adopted via Resolution No. 5872; and providing an effective date.

Commissioner Perry stated he pulled this resolution as the fees were amended three years ago to coincide with the Southern Building Code. This resolution increases the building permit fees by as much as 60%.

CM Stock stated staff reviewed the time and effort put into activities related to building permits to determine the new fees. This was done in response to the Commission's desire for progress to pay its own way.

Commissioner Perry stated expenses in the Building Department have risen 64% while the population has increased less than 10%. Commissioner Perry stated there is a problem with expenses growing faster than the population growth.

Jay Connell, Building Official (BO) for the City, stated he put together an analysis to determine the costs of the daily operations in the Building Department within the City. (Handout) The proposed fees are still less than what other jurisdictions are charging.

Jean Kaminski, executive director of Home Builders Association of Lake County, stated there is no change in the residential fees but there are quite a few changes on the commercial side. Many commercial contracts are currently being worked on, so the Association would like to have the implementation of the change in fees postponed to allow adequate time for the contracts in progress to be finalized. Building official Connell stated postponing the fees would not cause a problem.

Commissioner Puckett questioned how close the City's fees currently resemble those of the County.

Building Official Connell stated the City currently charges fees well below those of the County. The proposed fees will put the City fees more in-line with those of the County.

CM Stock stated Community Development Director (CDD) Laura McElhanon is able to give some information regarding the expenses in the Building Department.

CDD McElhanon stated two years ago there was an additional building inspector position approved in the budget and the Community Development Director position was also created.

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That explains part of the increase in the department expenses. Currently there are two building inspectors, plan reviewer, intake clerk, and one other person. During Fiscal Year 2001/2002, there were 2800 inspections and 375 total permits issued. More accurate predictions will be made next year as discrepancies in the Code Book have been resolved. Next year the City will see an increase in the number of inspections and continued increase in revenue collected through the fees. Revenue collected in 2001/2002 was around \$180,000 and the department is on target to collect the projected \$230,000 this year.

Mark Ricker, a commercial contractor, challenged the Commission to look at ways to reduce overhead and personnel instead of putting the costs onto the contractor. He suggested the increases should not be made during these difficult times.

Commissioner Knowles stated the delay is a reasonable request.

Commissioner Puckett moved to adopt the resolution with the change of delaying the implementation date from August 1, 2003 until September 1, 2003. Commissioner Knowles seconded the motion and the roll call vote was:

Commissioner Perry	No
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	No

Three yeas, two nays, the Commission adopted the resolution with the change in the implementation date.

### **PUBLIC HEARINGS:**

### **ADOPTED ORDINANCE 03-48 AMENDING CHAPTER 25-73 OF THE CODE OF ORDINANCES PERTAINING TO ON-SITE TRAFFIC FLOW AND PARKING**

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 25-73 of the Code of Ordinances, pertaining to on site traffic flow and parking; by changing schedule of parking space requirements; repealing conflicting ordinances, providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea

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Mayor Connelly

Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-49 AMENDING CHAPTER 25-75 OF THE CODE OF ORDINANCES PERTAINING TO MULTI-FAMILY, HOTEL, AND MOTEL STRUCTURES MAXIMUM LENGTH**

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida amending Chapter 25 zoning of the Code of Ordinances, by changing Section 25-75, multi-family, hotel and motel structures Subsection (6) a. maximum length; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **INTRODUCED AN ORDINANCE AMENDING CHAPTER 14-36 PARAGRAPH XI OF THE CODE OF ORDINANCES PERTAINING TO OCCUPATIONAL LICENSES; CREATING CHAPTER 7-169 OF THE CODE OF ORDINANCES PERTAINING TO PERIODIC HOUSING INSPECTIONS**

Commissioner Lovell introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending §14-36 paragraph XI of the Code of Ordinance pertaining to occupational licenses; creating §7-169 of the Code of Ordinances, pertaining to periodic housing inspections; establishing a procedure whereby rental housing receives periodic inspections to assure compliance with the standard housing code; imposing a fee to be paid by property owners to defray the cost of administration, permitting the inspection fee to be adjusted by resolution of the City Commission; providing for penalties; establishing a notice and enforcement procedure; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

CM Stock stated the Commission may want to review this at more than two meetings due to confusion. He noted he took a proposed ordinance to the Commissioners. It has now been modified to be less punitive, as it does not require vacation or utility turn-off if failure of

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inspection occurs. Commissioner Perry requested CM Stock to delay the matter and CM Stock stated he would. Staff requested the item remain on the agenda.

Mayor Connelly clarified this will be a preliminary reading with the ordinance being on the agenda for two additional readings. The Commissioners agreed.

Deputy City Manager (DCM) Robert Johnson stated staff received many calls prior to the actual ordinance due to visits by the Housing Department and the request for input and the need for the ordinance. DCM Johnson explained the rationale for putting this ordinance into effect. He noted 41% of the housing in Leesburg is rental; many of which are single-family homes. Currently the City has no means for entering rental property to enforce minimum housing regulations. Sixty percent of the City code enforcement infractions are on rental properties. The changes being requested include: 1.) Occupational license required for all rental property owners. 2.) Allow building official or fire marshal to inspect housing. 3.) Allow utility disconnect if required for safety. 4.) Establish process for needed repairs. 5.) Does not require vacation unless there is endangerment.

The goals of this ordinance include: safe housing, reducing substandard housing, increasing code enforcement compliance, and allowing random inspections. Staff estimates 100 annual complaint inspections and up to 100 random inspections. The Housing Department will aid with alternative housing options, if necessary.

Commissioner Perry questioned the code violations shown in the presentation. BO Connell stated the broken window is a code violation and the wall with the falling plaster is possibly a violation depending on where it is located. Commissioner Perry stated if the code violation is life threatening, the City should go in, but otherwise it should not. Repairs would mean the landlords would need to up the rent to recoup the costs.

Commissioner Lovell stated it is important for the City to come up with an ordinance to deal with the problem. The City needs to get a handle on this now.

BO Connell stated the standards that will be used for the inspections are out of the housing code and are the bare minimum standards. Commissioner Perry requested a copy of the standards prior to the next meeting.

Commissioner Knowles stated, for the record, he does own a single rental house. He would like to see a checklist of what the inspectors will review. He also suggested the following: 1.) An occupational license fee should be waived when the owner has a single rental house. 2.) Notice for delivery should be given to an adult only, preferably the homeowner himself. 3.) The homeowner should get a list of everything that doesn't meet compliance; and, if new infractions are found, after re-inspection then a new 90 days for compliance should be instituted for the new infractions.

Flora Jo Haber, of Pepper Tree, proposed another ordinance so that whenever rental property changes hands, it needs to meet the minimum standards. The City needs to dig a little deeper and look at all the individual homes.

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Tom Grizzard, realtor and property manager, applauded staff for their efforts in the attempt to clean up properties, but feels the ordinance is not the right way to do this. He objected changing the occupation license from three units to one unit. He noted some rentals are held to higher standards by the State. Not all single-family houses being rented are business in nature. There can be written an ordinance to, upon notice, get access to buildings if there is reasonable cause. In addition, the Polk Directory can be used to verify rental property.

CA Morrison gave background on this ordinance. He noted the homestead record list is not completely up to date. If all properties which receive the exemption are extracted, the remaining list would not simply be rental homes but would also list commercial land, non-profit property, vacant land, etc. The ordinance is a proactive approach instead of a reactive response to a problem by making the inspection a service out of the general fund and not a cost. CA Morrison further stated the owner of one unit may not maintain it as well as an owner that owns more than one property.

DCM Johnson added it is harder to enforce this ordinance if you don't take it down to one unit.

CA Morrison added the age 16 for delivery notification comes out of the Florida Statutes. It is a standard used for civil suits.

Dorothy Menacho, a realtor, stated she does not want substandard property in Leesburg. She noted when Mt. Dora put a similar code in place, most sold properties. She questioned the cost of additional inspectors and the maximum number of inspections on a property in a year. She is in favor of an outside organization inspecting for health and safety, which is how Fruitland Park handles them. The City currently has ordinances in place for code violations. She noted tenants need to be educated. Ms. Menacho stated some single family homes that are owner occupied are also in need to repair.

Dominique Abrushi, owner of rental property managed by Menacho Realty, stated he moved from New Jersey 11 years ago. New Jersey required a new Certificate of Occupancy whenever a new owner or occupant took over. He stated this ordinance will cause substantial red tape and increased rent. Mr. Abrushi questioned whether inspectors would be available on holidays and weekends to provide inspections prior to new tenants moving in as most new tenants move on weekends.

### **INTRODUCED AN ORDINANCE ACCEPTING A WARRANTY DEED FROM RODGERS BROTHERS LAND COMPANY, INC. FOR LAND IN SECTION 13-20-24 (LEGACY)**

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Commissioner Puckett introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a warranty deed given by Rodgers Brothers Land Company, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 13, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.



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### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM ASSET PROVISIONS, LLC FOR LAND IN SECTION 23-19-24 (FOR BEACON COLLEGE)**

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Commissioner Perry introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Asset Provisions, LLC, as grantor, to the City of Leesburg, as grantee pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM SEGUNDO AND ESTELA LIZARDO FOR LAND IN SECTION 23-19-24 (FOR BEACON COLLEGE)**

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Commissioner Puckett introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Segundo Lizarido and Estela Lizarido, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM TERRANCE C. JENKINS, TRUSTEE OF THE TERRANCE C. JENKINS FAMILY TRUST FOR LAND IN SECTION 23-19-24 (FOR BEACON COLLEGE)**

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Commissioner Perry introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Terrance C. Jenkins, trustee of the Terrance C. Jenkins family trust, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE AMENDING CHAPTER 17, ARTICLE IV, SECTIONS 1, 6, 8, 15, AND 27 OF THE CODE OF ORDINANCES REGARDING POLICE OFFICERS' RETIREMENT FUND**

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Commissioner Lovell introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, amending Chapter 17, Pensions and Retirement, Article IV, Policy Officers' Retirement Fund, of the Code of Ordinances of the City of Leesburg; amending Section 1, Definitions, to amend the definition of "average final compensation," amending Section 6, Benefit

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Amounts and Eligibility; amending Section 8, Disability; amending Section 15, Maximum Pension; amending Section 27, Prior Police Service; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

CM Stock stated the cover letter was not included in the packet but needs to be in the packet for the second reading. He noted the letter states under the Police Officers Pension Trust Fund, the board has met and looked at alternatives. Rather than seek to increase the contributions because investments have been lower than expected, they are suggesting these changes to reduce benefits so no additional funds need to be contributed by the City or the officers. The Pension Trust Fund has a provision that requires a reduction in benefits in the event the City is required to make a contribution. This is a supplemental plan for the officers who are also covered under the General Employees Pension Plan.

### **INTRODUCED AN ORDINANCE AMENDING AND RESTATING THE RETIREMENT PLAN FOR THE GENERAL EMPLOYEES**

Commissioner Puckett introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, amending and restating the retirement plan for the general employees for the City of Leesburg, adopted pursuant to Ordinance No. 91-32, as subsequently amended; providing for definitions; providing for membership; providing for a Board of Trustees; providing for finances and fund management; providing for contributions; providing for benefit amounts and eligibility; providing for pre-retirement death benefits; providing for disability benefits; providing for vesting of benefits; providing optional forms of benefits; providing for beneficiaries; providing claims procedures; providing for a roster of retirees; providing for a maximum pension limitation; providing for distribution of benefits; providing miscellaneous provisions; providing for repeal or termination of the system; providing for exemption from execution and non-assignability; providing for pension validity; providing for forfeiture of pension under certain circumstances; providing for indemnification and defense of claims; providing for direct transfers of eligible rollover distributions; providing for the purchase of credited service for absences pursuant to the Family and Medical Leave Act; providing for credited service for separations from employment for military service; providing for the purchase of credited service for prior government service; providing for purchase of credit for military service prior to employment; providing for reemployment after retirement; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Commissioner Perry stated there is a General Employees Retirement Plan Pension Committee planning meeting scheduled for Tuesday, May 13. He noted some of the items in this ordinance have changed since the committee last met.

CM Stock noted there are two changes in the document that the advisory committee needs to review and recommend approval to the Commission.

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### **INTRODUCED AN ORDINANCE CREATING SECTION 2-112 OF THE CODE OF ORDINANCES AND ESTABLISHES THE LAND DEVELOPMENT CODE STEERING COMMITTEE.**

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Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida creating § 2-112 of the Code of Ordinances, establishing the Land Development Code Steering Committee; appointing the membership of the committee; setting for the qualifications for membership on the committee; providing for what would constitute a quorum of the committee; providing for the filling of vacancies on the committee; limiting the work of the committee to a period of one year; and providing an effective date.

**CITY ATTORNEY ITEMS: None**

#### **CITY MANAGER ITEMS:**

- A. CM Stock stated the next Commission meeting falls on May 26, 2003, which is Memorial Day Holiday. Staff recommends rescheduling the meeting for Tuesday, May 27, 2003.

Commissioner Lovell moved to set the next Commission Meeting date as Tuesday, May 27, 2003. Commissioner Knowles seconded the motion and it passed unanimously.

- B. CM Stock reminded the Commissioner of the Joint Planning Meeting with the Board of County Commissioners set for Friday, May 30, 2003. He will confirm the location and time at the May 27 Commission Meeting.

#### **ROLL CALL:**

Commissioner Lovell – stated concept #2 of the Magnolia Street extension is by far the best rendition and he endorses that option.

Commissioner Lovell moved to approve Option 2. Commissioner Puckett seconded the motion.

Commissioner Perry stated he has no problem with this project as long as staff finds a way to fund it.

The motion passed unanimously.

Commissioner Perry – None

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Commissioner Puckett – 1.) Kudos to Airport Manager Charlie Weller and CM Stock on the renovations to Runway 3/31 which did not cost the City anything. 2.) The road improvements by Palmora Park are nearly complete and an excellent job has been done. 3.) Ski Beach doesn't have grass yet.

Commissioner Knowles – stated Magnolia Street looks good. Venetian Gardens is working in right direction.

Mayor Connelly - Thanked Commissioner Knowles for taking the last meeting. He stated citizens on the west side of town are still concerned about the smell from Foremost Fertilizer. He is questioning the follow through and expediting issues and concerns which have been brought up.

Commissioner Perry moved to adjourn. Commissioner Knowles seconded the motion and it carried unanimously. The meeting adjourned at 7:09 p.m.

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Mayor

ATTEST:

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Acting City Clerk

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*Diane L. Gibson Smith*

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